

1 BY MR. ARONOWITZ:

2 Q Personally aware.

3 MR. NAFTALIN: I think this is entirely outside
4 the scope of cross-examination.

5 JUDGE STEINBERG: Well, I mean, Mr. Gaghan doesn't
6 like Mr. Turro. Apparently, Mr. Turro might not like Mr.
7 Gaghan. So what? I mean --

8 MR. NAFTALIN: I mean, now we're going farther
9 than that as to who is --

10 JUDGE STEINBERG: And now we have -- you have two
11 competing radio stations in the same market. They are
12 competitors. We heard from Mr. Warshaw the other day and he
13 was apparently straightforward, I would say.

14 MR. ARONOWITZ: Only in the sense --

15 JUDGE STEINBERG: And the question now did Mr.
16 Turro threaten WVNJ?

17 MR. ARONOWITZ: No, that wasn't the question at
18 all, Your Honor. The question was -- we heard testimony
19 about purported threats made from, and I think the
20 implication was made from Mr. Gaghan to Mr. Turro, and I
21 just want to ask Mr. Gaghan if he was --

22 JUDGE STEINBERG: Well, the threat --

23 MR. ARONOWITZ: -- personally, personal knowledge,
24 aware of any threats in the other direction.

25 JUDGE STEINBERG: Why don't you ask him if Mr.

1 Turro ever threatened him?

2 MR. ARONOWITZ: Well, that would be one question,
3 and --

4 JUDGE STEINBERG: Okay, why don't you ask that.

5 MR. ARONOWITZ: Okay.

6 BY MR. ARONOWITZ:

7 Q Well, Mr. Gaghan, are you aware of any threats
8 that Mr. Turro or his employees made to you?

9 A Not directly. I mean, I could remember though one
10 of his employees being arrested for phoning a bomb threat
11 and we were putting on a charity concert to help a little
12 two-year-old girl who had a rare blood disease.

13 MR. NAFTALIN: Your Honor, I really would like to
14 object to all of this. This witness is the Bureau's
15 witness, Universal's witness. They have provided him.
16 Somehow they had a statement of his produced. If they
17 wanted to go into these matters, they had months to prepare
18 this gentleman's statement. There is nothing in there about
19 anything that's being asked here or testified to, and this
20 is new direct testimony. It's entirely outside the scope of
21 the proceeding.

22 MR. ARONOWITZ: Your Honor, there has been
23 testimony received and testimony alluded to with respect to
24 animosities flowing from employees of stations to licensees
25 of stations. We have had that. We're going to have that.

1 It's implicit with everybody wanting to do the other guy in,
2 and I'm asking Mr. Gaghan to his personal knowledge if he's
3 aware of these animosities going in a different direct.

4 JUDGE STEINBERG: Okay, that wasn't of his -- the
5 answer wasn't of his personal knowledge.

6 MR. ARONOWITZ: Well --

7 JUDGE STEINBERG: Why don't you --

8 MR. ARONOWITZ: Excuse me.

9 JUDGE STEINBERG: I think we are testing this
10 witness's credibility. When we get Mr. Turro up on the
11 stand, you can ask him these questions. And I think if you
12 wanted to put in somebody's direct statement that Mr. Turro
13 made threats the other way, you should have done it.

14 MR. NAFTALIN: Thank you, Your Honor.

15 JUDGE STEINBERG: But I -- why don't you just move
16 on.

17 MR. ARONOWITZ: Well, if this witness, and I'll
18 just be one more shot at this, and that is --

19 JUDGE STEINBERG: Well you've had your shot.

20 MR. ARONOWITZ: -- Mr. Gaghan --

21 MR. NAFTALIN: We object to all shots at -

22 JUDGE STEINBERG: You've had your shot. You don't
23 have any personal knowledge, of your own personal knowledge,
24 something that you know of, that you observed, that you
25 witnessed, not what somebody told you about, not what you

1 read somewhere, of Mr. Turro making threats to you, to you?

2 THE WITNESS: No, just his employees. His
3 employee.

4 JUDGE STEINBERG: That one employee?

5 THE WITNESS: That one employee, phone threats.

6 JUDGE STEINBERG: But you don't know whether he
7 was doing it pursuant to an instruction by Mr. Turro?

8 THE WITNESS: No, I don't.

9 JUDGE STEINBERG: I mean, I think we will -- you
10 know, a bomb threat, I think we will let New Jersey law
11 enforcement people take care of.

12 MR. NAFTALIN: Thank you.

13 MR. ARONOWITZ: One moment, Your Honor. Just one
14 moment.

15 (Pause.)

16 MR. ARONOWITZ: We have no further, Your Honor.

17 JUDGE STEINBERG: Mr. Helmick?

18 MR. HELMICK: None, Your Honor.

19 JUDGE STEINBERG: Mr. Naftalin?

20 MR. NAFTALIN: Very quickly.

21 RECROSS-EXAMINATION

22 BY MR. NAFTALIN:

23 Q Mr. Gaghan, Mr. Aronowitz asked you a question
24 about whether or not you had any knowledge of whether or not
25 Mr. Luna had seen the sketch in your statement, or the

1 statement itself, I think is what he asked you.

2 Let me just be clear. It was your -- isn't it
3 true that you didn't show your statement --

4 A No.

5 Q -- to Mr. Luna, right?

6 A No.

7 Q Okay.

8 A I mean, Vince and I --

9 Q Yes or no.

10 A No, we don't share the same office.

11 Q Okay, that's --

12 A But Vince and I --

13 Q -- all I asked. That's fine.

14 And do you know -- is it correct that -- okay, did
15 Mr. Warshaw ask you to show your statement to Mr. Luna?

16 A No.

17 Q No. Okay.

18 And did Mr. Warshaw ask you to ask Mr. Luna to
19 write a statement?

20 A No. Not that I remember, no.

21 Q No?

22 A No.

23 MR. NAFTALIN: I'm done, Your Honor. Thank you.

24 JUDGE STEINBERG: Mr. Riley?

25 MR. RILEY: No, I have no examination.

1 JUDGE STEINBERG: Okay. You are excused, and I
2 again want to thank you for coming to testifying. I'm going
3 to instruct you, as I have instructed everybody else,
4 please, please, please do not talk to anybody about your
5 testimony here today, about what counsel asked you, about
6 what I asked you. You can talk to Mr. Helmick, you can to
7 Mr. Aronowitz, if you want to. If you don't want to talk to
8 them, you don't have to, but especially don't talk to Mr.
9 Warshaw, especially don't talk to Mr. Luna, or anybody else
10 about anything about your testimony here today.

11 There is a very, very, very, very remote
12 possibility you may be asked to testify further. I don't
13 think that will happen, but since anything is possible, I
14 think we had better be safe than sorry.

15 THE WITNESS: Okay.

16 JUDGE STEINBERG: One of the lawyers will contact
17 you when it's okay to -- you know, it's okay to talk again.
18 I'm not saying you don't tell your wife, but it would
19 probably be better not to because if she knows anybody at
20 the station she might tell somebody else and it might get
21 back to the wrong people. And what we are trying to do here
22 is get the best of everybody's personal knowledge.

23 JUDGE STEINBERG: Sure

24 JUDGE STEINBERG: And not what somebody might have
25 heard.

1 THE WITNESS: Okay.

2 JUDGE STEINBERG: So, again, I want to thank you
3 for testifying, and you're excused.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 JUDGE STEINBERG: Okay, anything more before we
7 take a lunch break?

8 MR. RILEY: Your Honor, I may not be present this
9 afternoon, but Ms. Bavender will. I don't anticipate that
10 Monticello Mountaintop will participate in the questioning
11 of this afternoon's -- there are three witnesses, I
12 understand, this afternoon.

13 MR. NAFTALIN: That's correct.

14 JUDGE STEINBERG: All right.

15 MR. NAFTALIN: And if we could go off the record,
16 maybe we can get the schedule and --

17 JUDGE STEINBERG: Okay, why don't we go off the
18 record.

19 (Whereupon, at 12:12 p.m., the hearing was
20 recessed, to resume at 1:30 p.m. this same day, Monday,
21 December 8, 1997.)

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A F T E R N O O N S E S S I O N

(1:37 p.m.)

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JUDGE STEINBERG: We're on the record now and I believe the next witness is William Owen.

Mr. Owen, will you come up here and have a seat, and you can ignore the pile of paper in front of you.

MR. NAFTALIN: I should have collected that. My apologies.

JUDGE STEINBERG: Please stand up, please. Would you raise your right hand, please?
Whereupon,

WILLIAM OWEN

having been first duly sworn, was called as a witness herein and was examined and testified as follows:

JUDGE STEINBERG: Please be seated.

And could you please state your name and address for the record?

THE WITNESS: "Bill" William Owen, and I live in Valley Cottage, New York, on Babbling Brook Lane, where I've lived for 35 years.

JUDGE STEINBERG: Okay, now, is Mr. Owen available for cross-examination?

MR. NAFTALIN: Your Honor, Mr. Owen is available for cross-examination on the content of his statement, which

1 is Turro Exhibit No. 4.

2 JUDGE STEINBERG: Okay. Do you have a copy you
3 can put in front of him?

4 MR. NAFTALIN: We can put our binder in front of
5 him.

6 JUDGE STEINBERG: Thank you. It's far easier to
7 have the statement instead of just keep running back and
8 forth.

9 MR. NAFTALIN: There you go.

10 THE WITNESS: Thank you.

11 JUDGE STEINBERG: Who is going to --

12 MS. FRIEDMAN: I'm going to.

13 JUDGE STEINBERG: Okay, Ms. Friedman.

14 CROSS-EXAMINATION

15 BY MS. FRIEDMAN:

16 Q Hello, Mr. Owen?

17 A Yes.

18 Q Hi, I am Susan Friedman. I am with the Mass Media
19 Bureau of the Federal Communications Commission.

20 A Okay.

21 Q And I will be conducting the examination this
22 morning. If there is any questions or anything you don't
23 understand or you need to take a break, whatever, please let
24 us know.

25 A Okay.

1 Q Okay. Mr. Owen, I think in your statement that
2 you worked for some time at the American Broadcasting
3 Company?

4 A Yes, indeed; 30 years.

5 Q Okay. And how would you describe this company?

6 A How would I describe ABC?

7 Q Yes. Is it a network?

8 A It's a network, yes. At the time we were a
9 dominant network, and radio, television. I worked for
10 actually five different areas: local radio, local
11 television, network radio, network television, and the FM.

12 Q Would it be fair to say that ABC owned many radio
13 and television stations?

14 A At that time you're talking about?

15 Q Yes.

16 A No. No, the network was limited to something like
17 six or so. I think they have relaxed the rule since then.

18 Q Okay. And after you left ABC, you went to work
19 with Jukebox Radio?

20 A Not directly after.

21 Q Okay.

22 A But I did, yes, I did go --

23 Q Okay.

24 A -- eventually there.

25 Q And you worked there from 1994 to '96?

1 A That would be right.

2 Q And why did you leave Jukebox Radio?

3 A I was given another offer, and it looked
4 attractive at the time, and I pursued it.

5 Q Okay. And at that time you went to Universal
6 Broadcasting of New York?

7 A Right.

8 Q And you worked there from February of '96 to
9 August of '97?

10 A Correct.

11 Q And why did you leave Universal Broadcasting?

12 A I was dismissed.

13 Q On what basis?

14 A They had an arrangement in which they wanted me to
15 take transmitter readings, and I agreed to do that at the
16 end of my shift, I said that's fine. And it's a very simple
17 procedure, involved three or four minutes on the telephone,
18 and I would just stay a few minutes later to do that.

19 Then they put up a notice and sent out some memos,
20 they wanted it done every hour, and I said I can't do it
21 while I'm on the air because I'm totally occupied. I did a
22 very complex program, and not realizing how serious they
23 were about it, I just said, "No, I can't do it."

24 And a few memos later, they said, "It's very
25 serious. You must do it." I said, "I can't. It not that I

1 won't, I can't."

2 And they called me in one Monday and said, "Since
3 you won't do it, you're terminated."

4 Q Okay. And then you went to work for Jukebox Radio
5 again?

6 A Yes.

7 Q And how did this come about? How did you get
8 another position with Jukebox Radio?

9 What I am asking is did you go to them or did they
10 seek you out?

11 A I contacted them.

12 Q Okay. It is correct that you have very limited
13 technical knowledge in general?

14 A Yes.

15 Q Have you had any technical training?

16 A No.

17 Q You say in your statement that you recall that an
18 FCC inspector visited Jukebox Radio; is this correct?

19 A I do remember it.

20 Q Yes. Do you remember when this occurred?

21 A No. I think the year is in there, but I would
22 have no idea of the date.

23 Q Do you have much recall about that incident, about
24 the date that he came to Jukebox Radio?

25 A Yes. Yes, I do.

1 JUDGE STEINBERG: Let me interrupt. In all the
2 years that you have been working at Jukebox Radio, from 1994
3 to 1996, and then from August '97 to the present, how many
4 times do you recall an FCC inspector or engineer visiting
5 the Dumont studio?

6 THE WITNESS: One time.

7 JUDGE STEINBERG: And that's the one time that you
8 talk about in your --

9 THE WITNESS: Correct.

10 JUDGE STEINBERG: -- statement?

11 THE WITNESS: Correct.

12 BY MS. FRIEDMAN:

13 Q At that time who was the general manager? At the
14 time of the FCC inspection, who was the general manager of
15 Jukebox Radio?

16 A Jay Epstein.

17 Q And did you take directions from Jay Epstein? Did
18 you report to him?

19 A As a general day-to-day basis?

20 Q Yes.

21 A I wouldn't say I reported to him. I didn't really
22 report to anyone as such. I knew that he was in authority
23 and he could give me orders, but there was such a relaxed
24 atmosphere regarding that, that there was no such thing as
25 reporting.

1 Q Okay. So it is your testimony that you looked
2 upon him as a figure of authority?

3 A Oh, yes. Yes.

4 Q Do you know what remote control equipment is?

5 A Do I know what remote control equipment is?

6 Q Yes. Would you be able to identify remote control
7 equipment?

8 A No.

9 Q Now, you have testified that you have very little
10 technical knowledge, very little technical understanding of
11 the operation of Jukebox Radio; is that correct?

12 A Correct.

13 Q Assuming that you were asked to just push a button
14 one day, would that require any technical knowledge?

15 A If I were asked to push a button?

16 Q At Jukebox Radio, if you were at your place of
17 employment and --

18 A Well, obviously, if someone said, "There is a
19 button, push it," it wouldn't require technical knowledge,
20 if that's what you mean.

21 Q Okay, that's what I mean.

22 Assuming again that you were -- assuming back to
23 April of '95, do you remember events leading up to the FCC
24 inspector, what events may have occurred in the few days
25 before he arrived? Do you have any clear memory of that?

1 MR. NAFTALIN: Objection. I don't think the
2 witness said anything about April, did he?

3 JUDGE STEINBERG: No. Why don't you see if you
4 can get through the witness the date, if he recalls. And if
5 he doesn't recall, then you can suggest one to him.

6 BY MS. FRIEDMAN:

7 Q Do you have any recollection of what month of the
8 year the --

9 A No.

10 Q -- FCC inspector -- you have no idea?

11 A No.

12 Q Do you have any idea of the season perhaps?

13 A No. I would have -- even when I saw the year, I
14 accepted that as that obviously was the year. But as far as
15 an exact date, I can't pinpoint it

16 JUDGE STEINBERG: If you look at page 2 of your
17 statement.

18 THE WITNESS: Right.

19 JUDGE STEINBERG: Where one line down.

20 THE WITNESS: Correct

21 JUDGE STEINBERG: I mean, you've read the
22 statement --

23 THE WITNESS: Oh, yes.

24 JUDGE STEINBERG: -- of Mr. Luna and Mr. Gaghan?

25 THE WITNESS: Right.

1 JUDGE STEINBERG: And both of them talk about an
2 incident or a situation which occurred in April of 1995.

3 THE WITNESS: Right.

4 JUDGE STEINBERG: Does that refresh your
5 recollection at all with respect to when the FCC inspector
6 was at Jukebox Radio at Dumont?

7 THE WITNESS: No. I'm sorry.

8 JUDGE STEINBERG: So you don't have any
9 independent recollection of that?

10 THE WITNESS: I would have no way of recalling the
11 date.

12 JUDGE STEINBERG: Or even the month or the time of
13 year?

14 THE WITNESS: No.

15 JUDGE STEINBERG: Okay. Now you can suggest.

16 BY MS. FRIEDMAN:

17 Q May I suggest to you, Mr. Owen, that the
18 inspection took place in August of 1995?

19 JUDGE STEINBERG: April.

20 BY MS. FRIEDMAN:

21 Q I mean, April. I'm sorry. 1995, in April?

22 A Okay.

23 Q Do you have -- if I told you that around that time
24 you were involved in an event with Mr. Luna, Vincent Luna
25 and William Gaghan in which you were asked to push a button,

1 would you have any memory of that?

2 A None at all.

3 Q So an event such as this could have taken place;
4 you just don't recall?

5 A I think I would dispute whether it could have
6 taken place. I think I would remember it, and note it from
7 my memory. That's what I do on the air, is recall the past.
8 I have an excellent memory, and I remember nothing like
9 that. As I said, I do remember the one visit, and I can
10 give you details on that.

11 But as far as touching any equipment, no.

12 Q You have no memory of that?

13 A Absolutely.

14 Q Okay.

15 JUDGE STEINBERG: Why don't you tell me about the
16 one visit, what you remember about that.

17 THE WITNESS: Sure. I was told that morning that
18 it might occur on my shift. We had heard for weeks that
19 there would be sooner or later an FCC visit, and I knew what
20 was expected of me, and I thought this is --

21 JUDGE STEINBERG: Who did you hear it from?

22 THE WITNESS: This was just general conversation
23 at the station. I don't think I can pinpoint anybody. We
24 just knew that a visit was coming. And I think that went
25 on for several weeks, as a matter of fact. And one day I

1 came in and they said it may happen during your shift today.

2 JUDGE STEINBERG: When was your shift in April of
3 '95?

4 THE WITNESS: I'm just trying to recall. I
5 believe it was from 10 until two or three. It was either a
6 four or five-hour shift. I think it was 10 until two at
7 that time.

8 JUDGE STEINBERG: Ten in the morning?

9 THE WITNESS: Yes. And as I say, there was
10 naturally apprehension. People saying, hope everything goes
11 well, and I was concerned that I wouldn't be able to do my
12 show. And what I remember, you asked me what I remember
13 about it, was I was so delighted that the inspector seemed
14 to have so much respect in the fact that I was running the
15 board, doing my commentary, getting everything lined up and
16 so on. It was fairly complex the way I would do it. And he
17 seemed to respect that so much that he said, "Well, you've
18 done everything I have asked of you." And he says, "That's
19 okay. Everything looks fine."

20 JUDGE STEINBERG: So he was in the on-air studio?

21 THE WITNESS: He was in the on-air studio for, it
22 seems to me, something like five to 10 minutes; asked me
23 various question, how I would dial up the transmitter,
24 things like that.

25 JUDGE STEINBERG: What transmitter?

1 THE WITNESS: There is a telephone with which we
2 would have to call the transmitter.

3 JUDGE STEINBERG: Do you know which transmitter?

4 THE WITNESS: No.

5 JUDGE STEINBERG: There was a transmitter, okay,
6 in this proceeding we're talking about several transmitters,
7 I think.

8 Do you recall a transmitter for WJUX or WXTM in
9 Monticello?

10 THE WITNESS: When I say "transmitter," that meant
11 nothing to me.

12 JUDGE STEINBERG: Just you knew that you could do
13 what and get a transmitter?

14 THE WITNESS: Yeah.

15 JUDGE STEINBERG: What did you have to do?

16 THE WITNESS: That's kind of fuzzy in my memory,
17 but it seems to me there was a certain number you would
18 dial.

19 JUDGE STEINBERG: You mean on the phone?

20 THE WITNESS: Yeah, on the telephone. But I -- I
21 don't think I ever had -- I think this was for an emergency
22 procedure of some kind and I never had to do it. And at
23 that time I was able to answer the question.

24 JUDGE STEINBERG: And he asked you to do it or how
25 to do it?

1 THE WITNESS: No, I don't think he asked me to do
2 it. I think he just asked what I would do if there were any
3 sort of an emergency.

4 JUDGE STEINBERG: And so the FCC inspector was in
5 the on-air?

6 THE WITNESS: Yeah, and he asked me, I remember we
7 spent half the time just talking about the music, I
8 remember, and I was delighted that he seemed to appreciate
9 the music and so on that we were playing. And it was over
10 and one with before I -- I mean, I went wow, that wasn't so
11 painful.

12 JUDGE STEINBERG: Can you remember any other
13 questions that he asked you or any other things that he
14 asked you to do?

15 THE WITNESS: No, not really. It was very general
16 and very quick. It was not what I had anticipated. I
17 thought that there would be question after question after
18 question, and I thought how am I going to handle all of
19 this, and it was, as I say, over and done with.

20 JUDGE STEINBERG: Do you recall if this was toward
21 the beginning, middle or end of your shift?

22 THE WITNESS: I can't say.

23 JUDGE STEINBERG: During the time that the FCC
24 inspector was in the on-air studio, was anyone else other
25 than the two of you in there?

1 THE WITNESS: It seems to me that people were
2 going in and out for purposes of maybe getting some music or
3 something like that. Nobody else was in conference other
4 than the two of us, no.

5 JUDGE STEINBERG: Is that unusual with somebody
6 being on the air and people going in and out of the on-air
7 studio?

8 THE WITNESS: Unfortunately. Unfortunately, yes.

9 JUDGE STEINBERG: Unfortunately, it was unusual or
10 usual?

11 THE WITNESS: It was usual; not unusual.

12 JUDGE STEINBERG: Do you remember Mr. Gaghan --
13 you know, Mr. Gaghan and you know Mr. Luna?

14 THE WITNESS: Yes.

15 JUDGE STEINBERG: Do you remember either of them
16 or both of them coming in while you were on-air that morning
17 with the FCC inspector in there?

18 THE WITNESS: No, I do not.

19 JUDGE STEINBERG: Okay, you don't remember whether
20 they did or they didn't; is that accurate?

21 THE WITNESS: I don't even know if they were
22 working, whether they were there that day or not.

23 JUDGE STEINBERG: Okay, so you just don't know?

24 THE WITNESS: The only thing I remember is
25 speaking to Jay after it was over, and I said, "Everything

1 seemed to go well. It was fine." It was just a fairly easy
2 going comment. There was no big deal about it, and it was
3 over.

4 JUDGE STEINBERG: Okay. Ms. Friedman.

5 BY MS. FRIEDMAN:

6 Q Mr. Owen, you see that statement in front of you.
7 Did you prepare that statement yourself?

8 A Did I prepare the statement?

9 Q Yes. Yes or no, did you write that statement
10 yourself?

11 A I didn't write it. I mean, I didn't make the
12 final draft of it. I was interviewed and the statement was
13 then written by our attorney.

14 Q Did you review it before signing it?

15 A Oh, sure.

16 Q Did you make any corrections to it?

17 A I don't believe so.

18 Q So, Mr. Owen, when you accepted the dates of the
19 FCC inspection, these were not based on your personal
20 recollection?

21 A In terms of -- I'm not sure I understand what you
22 mean now.

23 Q The statement contains the date of the FCC
24 inspection?

25 A Well, the August 9th, I was shown that statement

1 and it was dated August 9th. And I don't know where the
2 April came from. Somebody must have shown me an April
3 statement.

4 Q When you say "April," you accepted that that was
5 the date? You didn't question that perhaps that was another
6 date?

7 A Well, the way I read this, that wasn't my
8 statement, was it, April? It says, "The statements refer
9 to." It seems like -- are you quoting the statement --

10 Q But you didn't question it or change that?

11 A Well, it had to be in that general time slot,
12 within months we're speaking of. It wasn't years removed,
13 so I had no reason to dispute it.

14 MS. FRIEDMAN: I have no further questions.

15 JUDGE STEINBERG: Mr. Helmick?

16 MR. HELMICK: Just a couple questions, Your Honor.

17

18 CROSS-EXAMINATION

19 BY MR. HELMICK:

20 Q Mr. Owen, when you left Jukebox Radio in 1996, and
21 took a job with Universal, did you go to Universal for
22 employment or did Universal go to you, approach you?

23 A They came to me. "They" being one person.

24 Q And who was that one person?

25 A Bill Gaghan.

1 Q Okay. On page 2 of your statement you refer to
2 the incident which Mr. Luna and Gaghan describe in their
3 statements as being "...so unusual that I believe that I
4 would remember it, but I do not." That's on the last
5 sentence --

6 A Yes, I see it.

7 Q Okay. What did you mean by saying "unusual"?

8 A Well, you have -- as a disk jockey, you have a
9 routine you perform. And if somebody had come in and said
10 to do something out of the routine, if they said, "Get a
11 CD," I would not say that's unusual, "hand me this."

12 But if they ask me to touch some equipment, I
13 would consider that highly unusual.

14 Q What if this incident took a matter of a couple of
15 minutes in total, would that have been unusual for them to
16 ask you to touch a piece of equipment?

17 A Yes, it would.

18 Q Now, when Mr. Luna -- in your working with Mr.
19 Luna, do you regard Mr. Luna to be a truthful individual?

20 A I have no reason to dispute it until I had seen
21 this.

22 JUDGE STEINBERG: When you say "this," you're
23 talking about his August '95 statement?

24 THE WITNESS: Right. On the second page, I think.

25 JUDGE STEINBERG: Yes, second page of your

1 statement is when you make reference to it.

2 THE WITNESS: Right.

3 JUDGE STEINBERG: And the "this" was his
4 statement?

5 THE WITNESS: Correct

6 BY MR. HELMICK:

7 Q In your working with Jukebox Radio, do you
8 understand -- do you have any knowledge of Jukebox Radio
9 being referred to as Jukebox Radio Network?

10 A Actually, I've never heard the term, Jukebox Radio
11 Network.

12 Q You've never heard that term?
13 Do you have any understanding as to what a network
14 is?

15 A Yes.

16 Q What is your understanding?

17 A I would think a network would be a hook up of
18 various individual stations.

19 Q Okay.

20 A From two on up.

21 Q One other thing, you had said that you had been --
22 your testimony this morning -- put on alert for a number of
23 weeks before the FCC inspector showed up, that there would
24 be the likelihood of an inspection.

25 Do you recall that?